

Eric B. Fastiff (State Bar No. 182260)  
(efastiff@lchb.com)  
David T. Rudolph (State Bar No. 233457)  
(drudolph@lchb.com)  
Melissa A. Gardner (State Bar No. 289096)  
(mgardner@lchb.com)  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
275 Battery Street, 29th Floor  
San Francisco, California 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008

*Attorneys for Plaintiff CopyTele, Inc.*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

COPYTELE, INC., a Delaware  
Corporation,

Plaintiff,

v.

AU OPTRONICS CORPORATION, a  
Taiwanese corporation; E INK  
HOLDINGS, INC., a Taiwanese  
corporation; and E INK CORPORATION,  
a Delaware corporation,

Defendants.

Case No. 3:13-cv-00380-EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Date: November 21, 2013  
Time: 10:30 a.m.  
Dept: Courtroom 5, 17th Floor  
Judge: The Honorable Edward M. Chen

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, this Stipulation and [Proposed] Order is entered into by and between Plaintiff CopyTele, Inc. (“CopyTele”) and Defendants E Ink Holdings, Inc., a Taiwanese corporation, E Ink Corporation, a Delaware corporation (collectively “E Ink”), and AU Optronics Corporation (“AUO”), a Taiwanese corporation.

WHEREAS, CopyTele filed its complaint in this action on January 28, 2013;

WHEREAS, on April 29, 2013, AUO filed a motion to compel arbitration and to stay the litigation, and E Ink filed motions to dismiss all claims against it and in the alternative to stay the claims against it pending arbitration between CopyTele and AUO;

WHEREAS, on July 9, 2013, in light of CopyTele’s agreement to arbitrate its claims against AUO, this Court stayed the claims against all defendants pending the resolution of the arbitration (Dkt. No. 91);

WHEREAS, the parties engaged in Settlement Conference proceedings before Magistrate Judge Jacqueline Scott Corley in August and September but were not successful in resolving the case (Dkt. Nos. 93 & 94);

WHEREAS, CopyTele filed its Demand for Arbitration before the American Arbitration Association on September 17, 2013, and AUO filed its Answer in the arbitration on October 28, 2013;

WHEREAS, CopyTele and AUO are currently engaged in the arbitrator selection process;

WHEREAS, in light of the status of the arbitration, the parties respectfully request that the Court continue the Case Management Conference 90 days;

**IT IS HEREBY STIPULATED AND AGREED** that:

1. The Case Management Conference shall be continued from November 21, 2013 to February 20, 2014 at 10:30 a.m.
2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference, Statement will be due on or before February 13, 2014.

1 Dated: November 11, 2013

LIEFF, CABRASER, HEIMANN  
& BERNSTEIN, LLP

2  
3  
4 By: /s/ Eric B. Fastiff  
Eric B. Fastiff

5 Eric B. Fastiff  
6 David T. Rudolf  
7 Melissa Gardner  
8 275 Battery Street, 29th Floor  
9 San Francisco, CA 94111-3339  
10 Telephone: (415) 956-1000  
11 Facsimile: (415) 956-1008  
efastiff@lchb.com  
drudolph@lchb.com  
mgardner@lchb.com

*Attorneys for Plaintiff COPYTELE, INC.*

12 Dated: November 11, 2013

CROWELL & MORING LLP

13 By: /s/ Beatrice B. Nguyen  
14 Beatrice B. Nguyen

15 Beatrice B. Nguyen  
16 275 Battery Street, Suite 2300  
17 San Francisco, CA 94111  
18 Telephone: (415) 986-2800  
19 Facsimile: (415) 986.2827  
bbnguyen@crowell.com

*Attorneys for Defendant E INK CORPORATION*

20 Dated: November 11, 2013

LATHAM & WATKINS LLP

21 By: /s/ Matthew Rawlinson  
22 Matthew Rawlinson

23 Matthew Rawlinson  
24 140 Scott Drive  
25 Menlo Park, CA 94025  
26 Telephone: (650) 328-4600  
27 Facsimile: (650) 463-2600  
matt.rawlinson@lw.com

*Attorneys for Defendant AU OPTRONICS  
CORPORATION*

**ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: November 11, 2013

/s/ David T. Rudolph

David T. Rudolph

**~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** For good cause shown:

1. The Case Management Conference shall be continued from November 21, 2013 to February 20, 2014 at 10:30 a.m.
2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference Statement will be due on or before February 13, 2014.

Dated: November 12, 2013

